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Part III

Environmental Protection Agency

Protests of Grantee Procurement Actions Under Grants for Construction of Publicly Owned Treatment Works; Subject Index List of Regional Administrator Protest Determinations Issued During 1979

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1593-1]

Protests of Grantee Procurement Actions Under Grants for Construction of Publicly Owned Treatment Works; Subject Index List of Regional Administrator Protest Determinations Issued During 1979

This notice publishes the 1979 subject index list for EPA Regional Administrator Protest Determinations. These determinations have been made under the EPA protest procedure set forth at 40 CFR § 35.939.

This is the third EPA subject index and lists only the bid protest determinations issued during calendar year 1979. The first index, listing Regional Administrator protest determinations issued during the period 1974 through 1977, was published at 43 FR 29086-95 (July 5, 1978). This was supplemented by the index of 1978 protest determinations published at 44 FR 25812-18 (May 2, 1979).

In 1979, 76 determinations were issued by EPA Regional Administrators. Each determination has been cited in this subject index by Grantee and State and includes a notation of the EPA Region in which the protest arose, the date of the determination, and the protester's name.

We consider asterisked determinations to be of special interest. In some instances, an explanatory parenthetical reference has been included.

Copies of the issued protest determinations may be examined or obtained from any EPA Office of Regional Counsel or from the headquarters source identified below.

Interested parties are invited to submit comments concerning any improvement or correction to the subject index list to Gerald H. Yamada, Assistant General Counsel, Grants (A-134), Office of General Counsel, United States Environmental Protection Agency, Washington, D.C. 20460. Comments should be made within sixty (60) days of this publication.

FOR FURTHER INFORMATION CONTACT: Stephen M. Sorett, Esquire, Grants, Contracts, and General Administration Division (A-134); Office of General Counsel, United States Evironmental Protection Agency, Washington, D.C. 20460, telephone: (202) 755-8108.

Michele Beigel Corash,
General Counsel (A-130).

Ambiguity

*1. Cochran, GA (IV, 9-14-79) (Municipal and Industrial Pipe Services, Ltd.)
2. Mt. Pleasant, MI (V, 6-25-79) (Collavino Brothers Construction Co.)

A/E procurement

1. Clarksburg, MA (I, 8-25-79) (Curran Associates, Inc.)
2. Conneaut, OH (V, 7-18-79) (Hoff-Western)
3. Jefferson Parish, LA (VI, 3-28-79) (Moore, Gardner and Associates)
4. Puerto Rico Environmental Quality Board, PR (II, 3-30-79) (Technologists International, Inc.)
5. Monterey County, CA (IX, 2-26-79) (Monterey Construction Surveys, Inc.)
6. Simpsonville, KY (IV, 4-17-79) (Warner A. Brougham III and Associates)
7. West County Agency, CA (IX, 6-28-79) (R. D. Smith)
8. Muskegon County, MI (V, 7-29-79) (Video Media Corp.)

Award—Prime Contract

*1. Albuquerque, NM (VI, 2-2-79) (Kent Nowlin Construction Co.) (single bidder)

Bid Shopping

1. Caldwell, ID (X, 11-1-79) (Neilson & Co.) (subcontractor listing)
2. Hannibal, MO (VII, 6-7-79) (U.S. Enviro-Con, Inc.) (subcontractor listing)
3. Mt. Pleasant, MI (V, 6-25-79) (Collavino Brothers Construction Co.)

Bids

(A) Late

1. Puerto Rico Environmental Quality Board, PR (II, 3-30-79) (Technologists International, Inc.)

(B) Modification:

1. Bardstown, KY (IV, 1-3-79) (E. H. Hughes Co.) (I)
2. Detroit, MI (V, 12-11-79) (Polutech, Inc. and Glenn E. Wash Associates, A Joint Venture)
3. East Bay Dischargers Authority, CA (IX, 11-16-79) (Brantley Instruments) (Contra Costa Electric, Inc.)
*4. Kansas City, MO (VII, 12-20-79) (Garney Companies) (exception to method of tunnelling)

Bonds

*1. De Kalb Sanitary District, IL (V, 2-15-79) (Autotrol Corp.) (performance bond)
2. Hannibal, MO (VII, 6-7-79) (U. S. Enviro-Con, Inc.) (experience bond)
3. Howard County, MD (III, 2-15-79) (Water Pollution Control Corp.) (performance bond)
4. Newton, IA (VII, 12-6-79) (Municipal and Industrial Pipe Services, Ltd.) (bid bond)
5. Seaford, DE (III, 1-8-79) (National Hydro Systems, Inc.) (experience bond)

Burden of Proof

1. Bend, OR (X, 5-15-79) (Industrial Pump Sales Co.) (burden on grantee)
2. Cleveland Regional Sewer District, OH—clarification (V, 12-28-79) (Water Pollution Control Corp.)
3. Laurens County, SC (IV, 7-10-79) (Carolina Concrete Pipe Co., et al.)
4. Sewer Authority Mid-Coastside, CA (IX, 7-23-79; errata 9-21-79) (Radco Construction, Inc.)
5. Skagit County, WA (X, 5-4-79) (Glantz Supply, Inc.)
6. Metropolitan Sanitary District of Greater Chicago, IL (V, 10-11-79) (Morrison-Knudsen-Paschen) (mistake)

Buy American Act Requirements

*1. Concord, NH (I, 4-18-79) (Passavant Corp.) (construction materials)
2. Concord, NH (I, 10-4-79) (Bethlehem Steel Corp.) (6% preference)
3. Miami-Dade Water and Sewer Authority, FL (IV, 10-3-79) (Radiation Dynamics)
4. Newton, IA (VII, 12-6-79) (Municipal and Industrial Pipe Services, Ltd.) (protestant must prove jurisdiction)

Choice of Law

A. General

1. Newton, IA (VII, 12-6-79) (Municipal and Industrial Pipe Services, Ltd.)

B. Fundamental Federal Procurement Principles

1. Atlanta, GA (IV, 3-21-79) (Fruin-Conlon Corp.) (inconsistent local ordinance)
2. Gainsville, GA (IV, 6-15-79) (National Hydro Systems, Inc. (II)) (evaluation of equipment)
3. Skagit County, WA (X, 5-4-79) (Glantz Supply, Inc.)

C. State Law

1. Caldwell, ID (X, 11-1-79) (Neilson & Co)
2. Detroit, MI (V, 6-29-79) (C. J. Rogers, et al., A Joint Venture) (availability of local share)
3. Detroit, MI (V, 12-11-79) (Pollutech Inc. and Glenn E. Wash Associates, A Joint Venture) (material deviation from IFB)
4. Detroit, MI (V, 12-11-79) (Dynamic Construction Co.)

5. Jackson, CA (IX, 7-5-79) (Joseph R. Ramos Pipeline Engineering) (inaccuracies/irregularities in bid)
*6. Metropolitan Sanitary District of Greater Chicago, IL (V, 10-11-79) (Morrison-Knudsen-Paschen) (mistake)

Competition

A. General

1. Atlanta, GA (IV, 3-21-79) (Fruin-Conlon Corp.)
2. Chattanooga, TN (IV, 3-27-79) (Performance Systems, Inc.)
*3. De Kalb Sanitary District, IL (V, 2-15-79) (Autotrol Corp.)
4. Gainsville, GA (IV, 6-15-79) (National Hydro Systems, Inc. (II)) (supply of equipment)
5. Laurens County, SC (IV, 7-10-79) (Carolina Concrete Pipe Co., et al.) (pipe)

B. DeFacto

*1. De Kalb Sanitary District, IL (V, 2-15-79) (Autotrol Corp.)

C. Free and Open

1. Passaic Valley Sewerage Commissioners, NJ (II, 4-13-79) (Passavant Corp.)

Conflict of Interest

1. Miama-Dade Water and Sewer Authority, FL (IV, 10-3-79) (Radiation Dynamics, Inc.)

Defective IFB

1. Bend, OR (X, 5-15-79) (Industrial Pump Sales Co.) (minimum project requirements)
2. Cochran, GA (IV, 9-14-79) (Municipal and Industrial Pipe Services, Ltd.)
3. Passaic Valley Sewerage Commissioners, NJ (II, 4-13-79) (Passavant Corp.)

Enforcement

1. Glenbard Wastewater Authority, IL (V, 4-6-79) (USEMCO, Inc)
*2. Mt. Pleasant, MI (V, 6-25-79) (Contracts 2 & 3) (Collavino Brothers, Construction Co.)

Engineering Judgment

1. Batesville, AR (VI, 1-12-79) (Hinde Engineering Co.)
2. Cape May County, NJ (II, 8-31-79) (Clow/Envirodisc Corp.)
3. Chattanooga, TN (IV, 3-27-79) (Performance Systems, Inc.)
4. Cleveland Regional Sewer District, OH—Clarification (V, 12-28-79) (Water Pollution Control Corp.)
5. Concord, NH (I, 4-18-79) (Passavant Corp.) (Buy American)
6. Concord, NH (I, 10-4-79) (Bethlehem Steel Corp.) (Buy American)
7. Gainsville, GA (IV, 6-15-79) (National Hydro Systems, Inc. (II))
8. Kansas City, MO (VII, 12-20-79) (Garney Companies) (alternate method for tunnelling)
*9. Laurens County, SC (IV, 7-10-79) (Carolina Concrete Pipe Co. et al.) (justification for limiting choice of materials)
11. Meriden, CT (I, 10-10-79) (Standard Engineers and Constructors, Inc.)
12. Miami-Dade Water and Sewer Authority, FL (IV, 10-3-79) (Radiation Dynamics, Inc.)
13. Monterey County, CA (IX, 2-26-79) (Moneterey Construction Surveys, Inc.)
14. Skagit County, WA (X, 5-4-79) (Glantz Supply, Inc.)

E.E.O.

1. Skagit County, WA (X, 5-4-79) (Glantz Supply, Inc.)
2. Meriden, CT (I, 10-10-79) (Standard Engineers and Constructors, Inc.)

Evaluation of Bids

1. Cleveland Regional Sewer District, OH (V, 8-14-79) (Water Pollution Control Corp.)
2. Cleveland Regional Sewer District, OH (V, 9-18-79) (Passavant Corp.)
3. Cleveland Regional Sewer District, OH—Reconsideration (V, 10-18-79) (Water Pollution Control Corp.) (*Per* Norton Co.)
4. Cleveland Regional Sewer District, OH—Clarification (V, 12-28-79) (Water Pollution Control Corp.) (O and M Costs)
5. Cochran, GA (IV, 9-14-79) (Municipal & Industrial Pipe Services, Ltd.)
6. Hannibal, MO (VII, 6-7-79) (U.S. Enviro-Con, Inc.) (equipment listing)
7. Mt. Pleasant, MI (V, 6-25-79) (Collavino Brothers Construction Co.)
8. Passaic Valley Sewerage Commissioners, NJ (II, 4-13-79) (Passavant Corp.) (adequate basis for evaluation provided in IFB)
9. Portage, MI (V, 12-31-79) (Tom Robinson & Son, Inc.)
10. West County Agency, CA (IX, 6-28-79) (R. D. Smith)
11. Wood County Parks and Recreation Commission, WV (III, 3-15-79) (GAL Construction, Inc. (tied contracts)

Experience Requirements

1. Barnstable, MA (I, 8-24-79) (Chemcon, Inc.)
2. De Kalb Sanitary District, IL (V, 2-15-79) (Autotrol Corp.) (RBD equipment)
3. Howard County, MD (III, 2-15-79) (Water Pollution Control Corp.)
4. Seaford, DE (III, 1-8-79) (National Hydro Systems, Inc.)

Formal Advertising

No entries.

Grantee Responsibilities

1. Cleveland Regional Sewer District, OH—Clarification (V, 12-28-79) (Water Pollution Control Corp.)
2. Cochran, GA (IV, 9-14-79) (Municipal and Industrial Pipe Service, Ltd.)
3. Conneaut, OH (V, 7-18-79) (Hoff-Weston)
4. Gainesville, GA (IV, 6-15-79) (National Hydro System, Inc. (II)) (review of shop drawings, notification of defects)
5. Glenbard Wastewater Authority, IL (V, 4-6-79) (USEMCO, Inc.)
6. Monterey County, CA (IX, 2-26-79) (Monterey Construction Surveys, Inc.)

Innovative and Alternative Technology

1. Miami—Dade Water and Sewer Authority, FL (IV, 10-3-79) (Radiation Dynamics, Inc.)

Judicially Directed Review

No entries.

Jurisdiction

1. Albuquerque, NM (VI, 2-2-79) (Kent Nowlin Construction Co.)
2. Clarksburg, MA (I, 8-25-79) (Curran Associates, Inc.)
*3. Conneaut, OH (V, 7-18-79) (Hoff-Weston)
4. Detroit, MI (V, 6-29-79) (C. T. Rogers Construction Co., et al., A Joint Venture) (State or local law question)
5. Gainesville, GA (IV, 6-15-79) (National Hydro Systems, Inc., (II)) (by or for the grantee)
6. Hannibal, MO (VII, 6-7-79) (U.S. Enviro-Con, Inc.) (lack of direct grantee involvement)
7. Howard County, MO (III, 2-15-79) (Water Pollution Control Corp.) (not by or for grantee)
8. Metropolitan Sanitary District of Greater Chicago, IL (V, 8-16-79) (Troesch Trucking, Inc.)
*9. Metropolitan Sanitary District of Greater Chicago, IL (V, 10-11-79) (Morrison-Knudsen-Paschen) (mistake)
10. Middletown, DE (III, 9-17-79) (Mt. Joy Construction, Co.) (change order is not procurement)
*11. Muskegon County, MI (V, 7-29-79) (Video Media Corp.) (post performance claims)
12. Newton, IA (VII, 12-6-79) (Municipal and Industrial Pipe Services, Ltd. (forfeiture of bond)
13. Frederick County, MD (III, 4-19-79) (Conewago Contractors, Inc.) (retainage not a procurement issue)
14. Sterling, IL (V, 3-9-79) (Neptune CPC Engineering Corp.)
15. Stillwater, OK (VI, 3-1-79) (Robicon Corp.) (subcontracts)
16. Suffolk County, NY (II, 9-15-79) (Spencer, White & Prentis, Inc. and

Seatec International, Ltd., A Joint Venture) (claims)

Minority Business Enterprise

1. Burlingame, CA (IX, 12–20–79) (D. W. Young Construction Co.)
2. Danville, KY (IV, 10–26–79) (Andrews Enterprises Inc.)
*3. Decatur, AL (IV, 7–23–79) (International Electric Co.) (good faith efforts)
*4. Detroit, MI (V, 12–11–79) (Dynamic Construction Co.)
5. Meriden, CT (I, 10–4–79) (Carter Construction Co.)
6. Metropolitan Sanitary District of Greater Chicago, IL (V, 8–16–79) (Troesch Trucking, Inc.)
7. Miami—Dade Water and Sewer Authority, FL (IV, 4–30–79) (Cobo Co.)
8. Monterey County, CA (IX, 2–26–79) (Monterey Construction Surveys, Inc.)
*9. Sewer Authority Mid-Coastside, CA (IX, 7–23–79; errata (9–21–79)) (Radco Construction, Inc.)
10. West County Agency, CA (IX, 6–28–79) (R. D. Smith)

Mistake

1. Jackson, CA (IX, 7–5–79) (Joseph R. Ramos Pipeline Engineering) (mathematical errors)
*2. Metropolitan Sanitary District of Greater Chicago, IL (V, 10–11–79) (Morrison-Knudson-Paschen)
*3. Sewer Authority Mid-Coastside, CA (IX, 7–23–79; errata 9–21–79)) (Radco Construction, Inc.)
4. Newton, IA (VII, 12–6–79) (Municipal and Industrial Pipe Services, Ltd.)

Negotiated Procurement

No entries.

Nonrestrictive Specifications

1. Aurora Sanitary District, IL (V, 7–3–79) (Ralph B. Carter Co.) (prequalification of suppliers)
2. Batesville, AR (VI, 1–12–79) (Hinde Engineering Co.)
3. Chattanooga, TN (IV, 3–27–79) (Performance Systems, Inc.)
4. Cochran, GA (IV, 9–14–79) (Municipal and Industrial Pipe Services, Ltd.)
*5. Decatur, AL (IV, 3–2–79) (Johnson Controls, Inc.) (manufacturers only)
6. Gainesville, GA (IV, 11–5–79) (National Hydro Systems, Inc.) (III) (application of specifications)
7. Glenbard Wastewater Authority, IL (V, 4–6–79) (USEMCO, Inc.)
*8. Laurens County, SC (IV, 7–10–79) (Carolina Concrete Pipe Co. et al.) (pipe)
9. Middletown, DE (III, 9–17–79) (Mt. Joy Construction Co.) (rejection of pre-approved supplier)

Patents

1. Macon-Bibb County Water and Sewage Authority, GA (IV, 3–16–79) (Shirco, Inc.)

Prequalification

*1. Atlanta, GA (IV, 3–21–79) (Fruin-Conlon Corp.)
*2. Aurora Sanitary District, IL (V, 7–3–79) (Ralph B. Carter Co.)
3. Decatur, AL (IV, 3–2–79) (Johnson Controls, Inc.)
4. Macon-Bibb County Water and Sewage Authority, GA (IV, 3–16–79) (Shirco, Inc.)

Procedure

1. Aberdeen, MD (III, 9- 7–79) (Chemcon, Inc.) (no proper protest w/o grantee determination)
2. Bardstown, KY (IV, 1–3–79) (E. H. Hughes Co. (I)) (notification of other parties)
3. Decatur, Sanitary District, IL (V, 2–15–79) (Autotrol Corp.) (notice to all interested parties)
5. Gainesville, GA (IV, 11–5–79) (National Hydro Systems, Inc. (III)) (EPA de novo review)
6. Greenville, TX (VI, 5–31–79—Reconsideration) (Ralph B. Carter Co.) (Per Parkson Corp.)
7. Hagerstown, MD (III, 1–4–79) (PCI Ozone Corp.) (telegraphic determination)
8. James Island Public Service District, SC (IV, 5–2–79) (Pyramid Builders, Inc.) (telegraphic determination)
9. Macon-Bibb County Water and Sewage Authority, GA (IV, 3–16–79) (Shirco, Inc.) (telegraphic determination)
10. Meridian, MS (IV, 1–15–79) (Mississippi Pump and Equipment Co.)
11. Metropolitan Sanitary District of Greater Chicago, IL (V, 8–16–79) (Troesch Trucking Inc.) (failure to file with grantee)
12. Miami-Dade Water and Sewer Authority, FL (IV, 4–30–79) (Cobo Co.)
13. Middletown, DE (III, 9–17–79) (Mt. Joy Construction Co.) (change order not procurement)
* 14. Mill Hall, PA (III, 1–29–79) (Municipal and Industrial Pipe Services, Ltd.) (failure to prosecute appeal)
15. Monterey County, CA (IX, 2–26–79) (Monterey Construction Surveys, Inc.)
16. Plainfield, CT (I, 12–11–79) (Greenman's Trucking, Inc.) (letter: full decision to follow)
17. Seaford, DE (III, 1–8–79) (National Hydro Systems, Inc.) (grantee's failure to comply with its harmless error)
18. Simpsonville, KY (IV, 4–17–79) (Warner A. Broughman III and Associates) (failure to file with grantee)

Program Integrity

1. Alburquerque, NM (VI, 2–2–79) (Kent Nowlin Construction Co.)

Rational Basis Test

1. Atlanta, GA (IV, 3–21–79) (Fruin-Conlon Corp.)
2. Caldwell, ID (X, 11–1–79) (Neilsen Co.)
3. Hannibal, MO (VII, 6–7–79) (U.S. Enviro-Con, Inc.)
4. Laurens County, SC (IV, 7–10–79) (Carolina Concrete Pipe Co., et al.)
5. Detroit, MI (V, 6–29–79) (C. J. Rogers Construction Co., et al., A Joint Venture)
6. Metropolitan Sanitary District of Greater Chicago, IL (V, 10–11–79) (Morrison-Knudsen-Paschen)
7. Monterey County, CA (IX, 2–26–79) (Monterey Construction Surveys, Inc.)
8. Newton, IA (VII, 12–6–79) (Municipal and Industrial Pipe Services, Ltd.)
9. Portage, MI (V, 12–31–79) (Tom Robinson & Son, Inc.)
10. Greenup County, KY (IV, 11–13–79) (W. Rogers Co.)
11. West County Agency, CA (IX, 6–28–79) (R. D. Smith)

Reconsideration of Administrative Determinations

* 1. Cleveland Regional Sewer District OH-Reconsideration (V, 10–18–79) (Water Pollution Control Corp.) (*Per* Norton Co.)
2. Cleveland Regional Sewer District OH-Clarification (V, 12–28–79) (Water Pollution Control Corp.)
3. Greenville, TX-Reconsideration (VI, 5–31–79) (Ralph B. Carter Co.) (*Per* Parkson Corp.)

Rejection of All Bids

1. Albuquerque, NM (VI, 2–2–79) (Kent Nowlin Construction Co.)
2. Bardstown, KY (IV, 5–24–79) (E. H. Hughes Co. (II))
3. Bend, OR (X, 5–15–79) (Industrial Pump Sales Co.) (RA directed, defective IFB)
4. Detroit, MI (V, 6–29–79) (C. J. Rogers Constructors, et al., A Joint Venture) (local share lacking)
5. Suffolk County, NY (II, 9–15–79) (Spencer, White & Prentis, Inc. and Seatec International, Ltd., A Joint Venture)
6. Wheeling, WV (III, 2–16–79) (Manning Environmental Corp; and Sugmamotor, Inc.) (change in grantee's needs)
7. Greenup County, KY (IV, 11–13–79) (W. Rogers Co.) (cannot fund non-federal share)

Responsibility

1. Bardstown, KY (IV, 1–3–79) (E. H. Hughes Co. (I))

2. Barnstable, MA (I, 8-24-79) (Chemcon, Inc.)
3. Burlingame, CA (IX, 12-20-79) (D. W. Young Construction Co.) (failure to complete MBE form)
4. Caldwell, ID (X, 11-1-79) (Neilsen & Co.) (licenses)
* 5. Cleveland Regional Sewer District, OH (V, 9-18-79) (Passavant Corp.) (failure to complete local EEO form)
6. Detroit, MI (V, 12-11-79) (Dynamic Construction Co.)
7. James Island Public Service District, SC (IV, 5-2-79) (Pyramid Builders, Inc.)
8. Skagit County, WA (X, 5-4-79) (Glantz Supply, Inc.)

Responsiveness

1. Alpine Sanitary District, AZ (IX, 9-26-79) (Gus's Trenching and Pipeline Co.)
2. Bardstown, KY (IV, 1-3-79) (E. H. Hughes Co. (I))
3. Caldwell, ID (X, 11-1-79) (Neilsen and Co.)
4. Chattanooga, TN (IV, 3-27-79) (Performance Systems, Inc.)
5. Cleveland Regional Sewer District, OH (V, 8-14-79) (Water Pollution Control Corp.)
* 6. Cleveland Regional Sewer District, OH (V, 9-18-79) (Passavant Corp.) (qualified bid)
7. Cleveland Regional Sewer District, OH-Reconsideration (V, 10-18-79) (Water Pollution Control Corp.) (*Per* Norton Co.)
8. Cochran, GA (IV, 9-14-79) (Municipal and Industrial Pipe Services, Ltd.)
9. Detroit, MI (V, 12-11-79) (Pollutec, Inc., and Glenn E. Wash Associates, A Joint Venture) (exception to IFB)
10. Detroit, MI (V, 12-11-79) (Dynamic Construction Co.) (bid bond)
11. East Bay Dischargers Authority, CA (IX, 11-16-79) (Brantley Instruments) (Contra Costa Electric, Inc.) (exception to IFB)
12. Hannibal, MO (VII, 6-7-79) (U.S. Enviro-Con Inc.) (rejection of unapproved equipment)
13. Jackson, CA (IX, 7-5-79) (Joseph R. Ramos Pipeline Engineering) (waiver of mistake; failure to acknowledge addendum)
14. James Island Public Service District, SC (IV, 5-2-79) (Pyramid Builders, Inc.)
* 15. Kansas City, MO (VII, 12-20-79) (Garney Companies) (exception to IFB)
16. Meriden, CT (I, 10-10-79) (Standard Engineers and Constructors, Inc.) (failure to file EEO certificate)
* 17. Mt. Pleasant, MI (V, 6-25-79) (Collavino Brothers Construction Co.) (subcontractor listing)
18. Portage, MI (V, 12-31-79) (Tom Robinson & Son, Inc.)
19. Skagit County, WA (X, 5-4-79) (Glantz Supply, Inc.) (EEO certificates)

Salient Requirements

1. East Bay Dischargers Authority, CA (IX, 11-16-79) (Brantley Instruments) (Contra Costa Electric, Inc.)

Small Business

No entries.

Sole Source

1. Cape May County, NJ (II, 8-31-79) (Clow/Envirodisc Corp.) (cost effectiveness analysis procedure)
2. De Kalb Sanitary District, IL (V, 2-15-79) (Autotrol Corp.)
* 3. Miami-Dade Water and Sewer Authority, FL (IV, 10-3-79) (Radiation Dynamics, Inc.) (justification)

Specifications

No entries.

Standing

1. Batesville, AR (VI, 1-12-79) (Hinde Engineering Co.)
2. Clarksburg, MA (I, 8-25-79) (Curran Associates Inc.)
3. Concord, NH (I, 10-4-79) (Bethlehem Steel Corp.)
4. Conneaut, OH (V, 7-18-79) (Hoff-Weston)
*5. Decatur, AL (IV, 3-2-79) (Johnson Controls, Inc.)
6. Decatur, AL (IV, 7-23-79) (International Electric Co.)
7. De Kalb Sanitary District, IL (V, 2-15-79) (Autotrol Corp.) (equipment supplier)
8. Gainesville, GA (IV, 6-15-79) (National Hydro Systems, (II)).(by or for grantee)
9. Hagerstown, MD (III, 1-4-79) (PCI Ozone Corp.) (suppliers direct financial interest)
10. Laurens County, SC (IV, 7-10-79) (Caroline Concrete Pipe Co., et al.)
11. Macon-Bibb County Water and Sewage Authority, GA (IV, 3-16-79) (Shirco, Inc.) equipment suppliers protesting responsiveness of prime bidder)
12. Meriden, CT (I, 10-4-79) (Carter Construction Co.) (MBE)
13. Seaford, DE (III, 1-8-79) (National Hydro Systems, Inc.)
14. Stillwater, OK (VI, 3-1-79) (Robicon Corp.)
*15.Sterling, IL (V, 3-9-79) (Neptune CPC Engineering Corp.)

Sua Sponte Review

*1. Albuquerque, NM (VI, 2-2-79) (Kent Nowlin Construction Co.) (initial review by RA)
2. Atlanta, GA (IV, 3-21-79) (Fruin-Conlon Corp.) (grantee bidder qualification practices)
3. Cochran, GA (VI, 9-14-79) (Municipal and Industrial Pipe Services, Ltd.)
4. Glenbard Wastewater Authority, IL (V, 4-6-79) (USEMCO, Inc.)
5. Jefferson Parish, LA (VI, 3-28-79) (Moore, Gardener and Associates) (selection criteria for engineering contract)
6. Kansas City, MO (VII, 12-20-79) (Garney Companies)
7. Mt. Pleasant, MI (V, 6-25-79) (Collavino Brothers Construction Co.)

Subcontracts—Award

1. Aurora Sanitary District, IL (V, 7-3-79) (Ralph B. Carter Co.)
2. Gainesville, GA (IV, 6-15-79) (National Hydro Systems, Inc. (II)) (substitution of equipment, business judgment)
3. Gainesville, GA (IV, 11-5-79) (National Hydro Systems, Inc. (III))
4. Hannibal, MO (VII, 6-7-79) (U.S. Enviro-Con, Inc.) (business judgment)
5. Howard County, MD (III, 2-15-79) (Water Pollution Control Corp.) (business judgment).
6. Sterling, IL (V, 3-9-79) (Neptune CPC Engineering Corp.) (substitution, business judgment)
7. Stillwater, OK (VI, 3-1-79) (Robicon Corp.)

Summary Disposition

1. Aberdeen MD (ILL, 9-7-79) (Chemcon, Inc.) (failure to file with grantee)
2. Caldwell, ID (X, 11-1-79) (Neilsen & Co.)
3. Chattanooga, TN (IV, 3-27-79) (Performance Systems, Inc.)
4. Clarksburg, MA (I, 8-25-79) (Curran Associates, Inc.)
5. Decatur, AL (IV, 3-2-79) (Johnson Controls, Inc.)
6. Decatur, AL (IV, 7-23-79) (International Electric Co.)
7. Hagerstown, MD (III, 1-4-79) (PCI Ozone Corp.)
8. James Island Public Service District, SC (IV, 5-2-79) (Pyramid Builders, Inc.)
9. Macon-Bibb County Water and Sewage Authority, GA (IV, 3-16-79) (Shirco Inc.)
10. Meridian, MS (IV, 1-15-79) (Mississippi Pump and Equipment Co.) (untimely protest)
11. Puerto Rico Environmental Quality Board, PR (II, 3-30-79) (Technologists International, Inc.)
12. Muskegon County, MI (V, 7-29-79) (Video Media Corp.)
13. Metropolitan Sanitary District of Greater Chicago, IL (V, 8-16-79) (Troesch Trucking, Inc.)
14. Meriden, CT (I, 10-4-79) (Carter Construction Co.)
15. Miami-Dade Water and Sewer Authority, FL (IV, 4-30-79) (Cobo Construction Co.)

16. Mill Hall, PA (III, 1-29-79) (Municipal and Industrial Pipe Services, LTD.)
17. Plainfield, CT (I, 12-11-79) (Greenman's Trucking, Inc.)
18. Frederick County, MD (III, 4-19-79) (Conewago Contractors, Inc.)
19. Greenup County, KY (IV, 11-13-79) (W. Rogers Co.)
20. Rocky Mount, NC (IV, 1-15-79) (Enviro Development Co.)
21. City and County of San Francisco, CA (IX, 12-20-79) (Chemcon, Inc)
22. Simpsonville, KY (IV, 4-17-79) (Warner A. Broughman III and Associates)
23. Stillwater, OK (VI, 3-1-79) (Robicon Corp.)
24. Wood County Parks and Recreation Commission, WV (III, 3-15-79) (GAL Construction, Inc.)
25. Worchester County (Ocean City), MD (III, 3-14-79) (Charles E. Brohawn and Brothers, Inc. (II))

System Design

1. Kansas City, MO (VII, 12-20-79) (Garney Companies) (tunnelling)
2. Metropolitan Sanitary District of Greater Chicago, IL (V, 8-16-79) (Troesch Trucking, Inc.)

Time Limitations

1. Atlanta, GA (IV, 3-21-79) (Fruin-Conlon Corp.)
2. Chattanooga, TN (IV, 3-27-79) (Performance Systems, Inc.)
3. Concord, NH (I, 10-4-79) (Bethlehem Steel Corp.)
4. Danville, KY (IV, 10-26-79) (Andrew Enterprises, Inc.)
*5. Decatur, AL (IV, 3-2-79) (Johnson Controls, Inc.)
6. De Kalb Sanitary District, IL (V, 2-15-79) (Autotrol Corp.)
7. Detroit, MI (V, 12-11-79) (Pollutech, Inc. and Glenn E. Wash Associates, A Joint Venture)
8. Howard County, MD (III, 2-15-79) (Water Pollution Control Corp.)
9. Kansas City, MO (VII, 12-20-79) (Garney Companies, Inc.) (exception to specifications)
10. Laurens County, SC (IV, 7-10-79) (Carolina Concrete Pipe Co., et al.) (pipe specifications)
11. Meridan, MS (IV, 1-15-79) (Mississippi Pump and Equipment Co., Inc.)
12. Meriden, CT (I, 10-4-79) (Carter Construction Co.)
13. Metropolitan Sanitary District of Greater Chicago, IL (V, 8-16-79) (Troesch Trucking Inc.)
14. Miami-Dade Water and Sewer Authority, FL (IV, 4-30-79) (Cobo Co., Inc.)
15. Passaic Valley Sewerage Commissioners, NJ (II, 4-18-79) (Passavant Corp.)
16. Plainfield, CT (I, 12-11-79) (Greenman's Trucking, Inc.)
17. Rocky Mount, NC (IV, 1-15-79) (Enviro Development Co.)
18. City and County of San Francisco, CA (IX, 12-20-79) (Chemcon, Inc.)
19. Simpsonville, KY (IV, 4-17-79) (Warner A. Broughman III and Associates)
20. Stillwater, OK (VI, 3-1-79) (Robicon, Corp.)
21. Worchester County (Ocean City), MD (III, 3-14-79) (Charles E. Brohawn and Brothers, Inc. (II))

Waiver

1. Alpine Sanitary District, AZ (IX, 9-26-79) (Gus's Trenching and Pipeline Co.)
2. Bardstown, KY (IV, 1-3-79) (E. H. Hughes Co.) (I)
3. Detroit, MI (V, 12-11-79) (Dynamic Construction Co., Inc.)
4. Jackson, CA (IX, 7-5-79) (Joseph R. Ramos Pipeline Engineering)
5. James Island Public Service District, SC (IV, 5-2-79) (Pyramid Builders, Inc.)
6. Kansas City, MO (VII, 12-20-79) (Garney Companies)

U.S. Environmental Protection Agency

Date: August 26, 1980.

Subject: Class Deviation from 40 CFR 35.910-2(c), Reallotment of Recoveries

From: Evelyn T. Thornton, for Harvey Pippen, Jr., Director, Grants Administation Division (PM-216)

To: Regional Administrators

Recently one Regional Administrator asked me to approve a deviation from 40 CFR 35.910-2(c) of EPA's construction grant regulations. Section 35.910-2(c) requires that construction grant recoveries be treated like the most recent appropriation for the purposes of reallotment. (Recoveries are funds which EPA deobligates after the initial period of availability of those funds.) For example, this means that funds which EPA deobligated after their initial period of availability (recoveries) and during the time when the fiscal year 1979 appropriation was the most recent—from October 1, 1978 to September 30, 1979—would be subject to reallotment, if not reobligated, after September 30, 1980.

Without the deviation some States would have substantial amounts of fiscal year 1977 and fiscal year 1979 recoveries subject to reallotment this year. By approving a class deviation on May 1, 1980, I extended the reallotment date for fiscal year 1977 recoveries to September 30, 1980. I approved that deviation as an interim measure because of the short time those funds were available for obligation before May 3, 1980 (the fiscal year 1977 reallotment date), after they were distributed to the Regions, and to provide time to consider all implications of the Regional Administrator's request.

Several factors influenced our further consideration of the request including—

- EPA's current accounting system does not accurately track recoveries from year to year;
- EPA has not previously fully implemented § 35.910-2(c); and
- Regional Offices have generally considered recoveries as "no-year" money.

Other Regional Offices have advised me that, because of their past experience in holding recoveries from year to year, they are not prepared to obligate their fiscal year 1979 and prior year recoveries before September 30, 1980. Because of this and our difficulty in identifying recoveries subject to reallotment on September 30, I have concluded it would be inappropriate to reallot fiscal year 1977 and fiscal year 1979 recoveries on September 30, 1980. As a result, I am approving a class deviation to that section for recoveries made through September 30, 1979.

Financial Management Division has developed an accounting system that will track unobligated fiscal year 1979 and prior year recoveries together with recoveries made this fiscal year through September 30, 1980, separately from those made during fiscal year 1981. Recoveries through September 30, 1980, will be subject to reallotment on October 1, 1981, if not obligated by September 30, 1981. Future recoveries will also be tracked to assure they are realloted at the appropriate time.

This deviation does *not* affect the period of availability of fiscal year 1979 funds which will be subject to reallotment on September 30, 1980, if not obligated.

Date: August 22, 1980.

Conrad W. Carter,

Acting Assistant Administrator for Planning and Management (PM-208).

Date: August 26, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management (WH-556).

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